

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Marilee S. Rowe,

Plaintiff,

Civ. No. 04-4492 (JNE/FLN)  
ORDER

v.

Jo Anne B. Barnhart,  
Commissioner of Social Security,

Defendant.

This case is before the Court on a Report and Recommendation issued by the Honorable Franklin L. Noel, United States Magistrate Judge, on February 1, 2006. The magistrate judge recommended that Plaintiff's motion for summary judgment be granted and Defendant's motion for summary judgment be denied. Defendant objected to the Report and Recommendation. Plaintiff responded. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Plaintiff's motion for summary judgment [Docket No. 14] is GRANTED.
2. Defendant's motion for summary judgment [Docket No. 17] is DENIED.
3. The Commissioner of Social Security's final decision is REVERSED insofar as it denied disability benefits for the time periods of August 16, 1998 through March 31, 2000 and from December 1, 2001 through the present. Plaintiff is entitled to disability benefits in accordance with the magistrate judge's Report and Recommendation.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 2, 2006

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge